

United States District Court

WESTERN DISTRICT OF NEW YORK

HARRIS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 04-CV-848A(Sc)

v.

BARNHART

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that defendant's motion for judgment on the pleadings is denied; that plaintiff's motion for judgment on the pleadings is granted and that the action is remanded for further proceedings.

Date: November 7, 2005

RODNEY C. EARLY, CLERK

By: s/Suzanne Grunzweig
Deputy Clerk